

# DECISION



THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D.C. 20548

40373

FILE: B-179405

DATE: January 24, 1974

MATTER OF: Rocket Research Corporation

**DIGEST:** Quotation delivered by local commercial carrier that reached Air Force Base Transportation Office  $5\frac{1}{2}$  hours before scheduled time for receipt of quotations, but which was not timely received in Procurement Office, is late because RFQ required quotations to be delivered to specific room in Procurement Division Building and cautioned that delivery to anyone else on base would be considered late. Proposal was not of extreme importance to the Government to warrant exception to late proposal requirements in accordance with ASPR 3-506(c)(ii).

Rocket Research Corporation protests against the rejection of its quotation submitted in response to request for quotations (RFQ) No. FO4611-73-Q-0072, issued by the Air Force Flight Test Center, Edwards Air Force Base, California, as a late quotation. We are advised that award of a contract is being withheld pending our decision.

The amended closing date for submission of quotations under the subject RFQ was 3 p.m., July 23, 1973. The quotation of Rocket Research Corporation was not received until July 25, 1973. The quotation was sent by an air freight forwarder for delivery by a contracted local carrier (Econoline). The RFQ contained specific instructions to offerors regarding the delivery of quotations, which cautioned, in pertinent part, that:

"(3) Your Quotation and/or modifications thereto must be submitted so as to arrive at the Procurement Division, Building 2800, Room 4 not later than 3:00 PM Pacific Time on the date shown in Block 10 of the SF 18. Hand-carried Quotations must be delivered to and received by Procurement Division personnel within Building 2800 only. Any Quotation delivered to other personnel on Edwards Air Force Base, or tenant organizations thereof, will be considered as a late Quotation if it is not received in the Division by the time and date shown above."

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The protester reports that its quotation was delivered to a Government employee on the Base Transportation Office at 9:25 A.M. on July 23, 1973, but that the Base Transportation Office did not make delivery to the Base Procurement Office (Building 2800) until July 25, 1973. Rocket Research claims that the reason the quotation initially had not been delivered to Building 2800 was that a representative of the Base Transportation Office had in the past, due to base security regulations instructed the freight lines to make deliveries only to the Transportation Building. Therefore, the protester contends that the procuring activity should have been aware of this "requirement" and should have established proper procedures for the timely delivery of quotations from the Transportation Building to the procurement building. In this connection, the protester cites the language of our decision B-162390, November 20, 1967, that the Government has an obligation to establish reasonable procedures for the physical transmission of bids from the point of receipt at Government installations to the designated place for opening and to insure that the procedure is properly implemented.

We do not believe that the rule in B-162390 is applicable here. That decision and the ASPR to which it relates (ASPR 2-303.3) pertain to bids sent by mail. The instant RFQ incorporated a "Late Quotations" clause (Part 1 - General Instructions, Section C, paragraph C-10), similar to ASPR 2-303.3 (see ASPR 3-506). However, the Rocket Research quotation was not sent by mail but was transmitted by commercial carrier. Further, its proposal was not delivered by its commercial carrier to the address specified in the RFQ (the Base Procurement Office), but rather was delivered to another building. Moreover, with regard to the protester's contention that the delivery of its quotation was in accordance with base instructions, the administrative report states as follows:

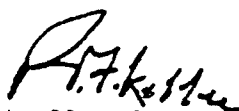
"RRC argues that Econoline's misdelivery was the fault of the Government relying on an allegation that Mr. Snell of the Transportation Office at Edwards AFB had instructed Clarence Fields of Econoline that, for security reasons, all freight shipments onto Edwards AFB must be made to that office. On the contrary, Mr. Snell whose responsibility is for outbound shipments only, states that he has never talked to Mr. Fields. Furthermore, the Base Traffic Management Officer categorically denies that any of the freight carriers, including Econoline, have been instructed either orally or in writing, to make all deliveries to the Transportation Office. In fact, transportation personnel at Edwards will assist carriers in locating the proper consignees (Tab 69) \* \* \*."

In this connection, the Air Force reports that although an Edwards Air Force Base publication cited by the protester titled "Terminal Facilities Guide United States Air Force" which is currently in effect, does provide that "all shipments destined to consignees at the Air Force Flight Test Center \* \* \* will be consigned to the Transportation Office building", the publication by its terms only applies to Department of Defense (DOD) shipping activities and to shipments made on Government bills of lading. The Air Force points out that the shipment in question was not made by a DOD shipping activity and was not made on a Government bill of lading.

Finally, the Air Force reports that the subject quotation package was accepted by the inchecker at the Transportation Office and was processed in accordance with established procedures for transmittal to the addressee indicated and that the normal delivery time for boarding such shipments is from one to two days.

Based on the foregoing, we are unable to conclude that the late delivery of the subject quotation was the fault of the Government. It seems clear that the initial misdelivery of the quotation was not the Government's fault. The RFQ instructed offerors where to deliver their quotations and the record fails to establish that Base Officials issued instructions as to delivery of quotation packages inconsistent with the RFQ instructions. While it could be argued that a one to two day delivery time for transmitting packages between buildings on the installation is unreasonably long, the quotation package was delivered to the wrong building on the installation only 5 hours and 35 minutes before the scheduled time for receipt of proposals. We do not believe that it is reasonable to expect incoming packages to be processed and then shipped between buildings on the installation within 5 hours and 35 minutes.

Accordingly, since it was administratively determined that consideration of the proposal was not of such extreme importance to the Government that it warranted the granting of an exception to the late proposal requirements in accordance with ASPR 3-506(c)(ii), we must concur with the contracting officer's finding that it was a late proposal. The protest therefore must be denied.

  
Deputy Comptroller General  
of the United States